

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MALCOLM MEDLEY,

Plaintiff,

v.

CHARLOTTE A. BURROWS,
*Chair, United States Equal Employment
Opportunity Commission,*

Defendant.

No. 21-cv-534-ZMF

ORDER TO SHOW CAUSE

On December 2, 2021, this court issued a scheduling order which established a deadline for initial disclosures of February 28, 2022. *See* Scheduling Order, ECF No. 26. Plaintiff, proceeding *pro se*, neither met the February 28 deadline nor requested an extension. On March 4, 2022, Defendant filed a motion to dismiss for failure to comply or, in the alternative, for an order to show cause. *See* Def’s Motion, ECF No. 29.

A court acts in its discretion by dismissing a complaint, either with or without prejudice, when a plaintiff fails to prosecute his or her case, fails to follow the rules of the court[,], or fails to follow the court’s orders.” *Allen v. United States*, 277 F.R.D. 221, 223 (D.D.C. 2011); *see* Fed. R. Civ. P. 41(b); LCvR 83.23. A court’s authority to do so “is not discarded simply because a plaintiff is proceeding *pro se*.” *Id.* Dismissal is appropriate “if, in view of the entire procedural history of the case, the litigant has not manifested reasonable diligence in pursuing the cause.” *Bomate v. Ford Motor Co.*, 761 F.2d 713, 714 (D.C. Cir. 1985) (citing *Cherry v. Brown-Frazier-Whitney*, 548 F.2d 965, 969 (D.C. Cir. 1976)). Dismissal for failure to prosecute is a “harsh

sanction,” however, and the court must demonstrate why such sanction “was necessary under the circumstances of the case.” *Peterson v. Archstone Cmtys. LLC*, 637 F.3d 416, 418 (D.C. Cir. 2011) (quoting *English-Speaking Union v. Johnson*, 353 F.3d 1013, 1016 (D.C. Cir. 2004)). Indeed, dismissal should only be considered “after less dire alternatives have been tried without success.” *Id.* at 418–19 (quoting *Trakas v. Quality Brands, Inc.*, 759 F.2d 185, 187 (D.C. Cir. 1985)).

Upon consideration of Defendant’s motion and the entire record, it is hereby

ORDERED that Plaintiff shall show cause in writing on or before April 5, 2022, why this case should not be dismissed for failure to comply with court-ordered deadlines. If Plaintiff does not comply with this Order, the Court may dismiss his claims. *See Wingfield v. Off. of Architect of the Capitol*, No. 18-cv-2272-APM, 2022 WL 629082, at *1 (D.D.C. Feb. 21, 2022) (dismissing claims for failure to prosecute after the plaintiff’s failure to comply with show cause order regarding the plaintiff’s noncompliance with one court-ordered deadline). And it is further

ORDERED that Defendant’s Motion to Dismiss for Failure to Comply or for Order to Show Cause is GRANTED in part and DENIED in part.

SO ORDERED.

DATE: March 15, 2022

ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE